

7. (Amended) The device of claim 6, wherein the at least one locking nut includes a non-threaded sleeve, which extends around a portion of the rod or tube.

10. (Amended) The device of claim 9, further including a mounting means, wherein the building element is sandwiched between the mounting means and the at least part of the securing means.

12. (Amended) The building element of claim 11 wherein the at least one location is a threaded bore.

13. (Amended) The building element of claim 12 wherein the at least one location is a bore sized to allow the securing means to pass therethrough to engage the mounting means and sandwich the building element between the mounting means and at least part of the securing means.

Attached hereto is a marked up version of the changes made to the specification and the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

### REMARKS

After the foregoing amendment, claims 1-14, as amended, are pending in the application. Claims 11-13 have been withdrawn by the Examiner for further consideration in this prosecution. Claims 1, 4, 7, 10, 12 and 13 have been amended to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 15-16 have been canceled by preliminary amendment. Applicant submits that no new matter has been added to the application by the Amendment.

### **Objections to the Drawings**

The Examiner objected to the drawings because they do not include reference sign 60 and because reference sign 18 has been used to designate both the locknut and the mounting. Applicant has attached a Submission of Proposed Drawing Amendment, including corrections to Figs. 2, 3, 6 and 7 for the Examiner's approval, with the corrections shown in red ink. Applicant

will file formal drawings in accordance with U.S. Patent and Trademark Office procedures, including corrections to Figs. 2, 3, 6 and 7, upon issuance of a Notice of Allowability. Applicant respectfully requests reconsideration and withdrawal of the objections to the drawings.

### **Objection to the Specification**

The Examiner objected to the specification because the reference character 16 is used to designate both a rod and a locknut; and the phrase "wings" is designated by both reference characters 32 and 34. Applicant has amended page 4 for the Examiner's approval. Applicant respectfully requests reconsideration and withdrawal of the objections to the specifications.

### **Objection to Claim 10**

The Examiner objected to claim 10 for being in improper form. Applicant has amended claim 10 to place claim 10 in proper form. Further, claim 10 is dependent on allowable amended claim 1 (see below). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 10 and allowance thereof.

### **Rejection - 35 U.S.C. § 112**

The Examiner rejected claims 4, 7, 12 and 13 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 4, 7, 12 and 13 to provide proper antecedent basis for the terms identified by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the § 112 rejection to claims 4, 7, 12 and 13.

### **Rejection - 35 U.S.C. § 102**

The Examiner rejected claims 1-2, 8-9 and 14 under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 198,559 (Bear). Applicant respectfully traverses the rejection.

Bear discloses a hitching device consisting of a "stiff and strong standard" (col. 1, 3<sup>rd</sup> paragraph). At col. 2, 1<sup>st</sup> paragraph, the standard is further described as "rigid and vertical".

Applicant has amended claim 1 to recite, *inter alia*, “An anchor device for a safety rope, the anchor device including: ... a rod or tube; wherein the rod or tube includes a tapered portion with the smaller end of the tapered portion nearest to the receiving means, said tapered portion deforming by progressively bending under sudden load applied to said receiving means.” The amendment to claim 1 is supported at the first and third paragraphs of page 2 and particularly at pages 7 and 8.

The present invention seeks to provide a measure of safety for a falling person rather than providing a mere hitching device. Accordingly, the rod of inventive device is designed to deform under the stress of a sudden load without sheering, thereby not only assisting in cushioning the effect of the restraining force of the anchor device on the falling person by spreading the energy of deceleration over a period of time but also decreasing the likelihood of failure of the device itself. Further the rod terminates in a tapered locking nut so as to move the primary point of deformation away from the point of attachment to the mounting, thus facilitating deformation of the rod and allowing progressive bending thereof.

In contrast to amended claim 1, Bear teaches a stiff/rigid standard. An artisan skilled in the art would understand stiff/rigid to mean that the standard would be designed to withstand a sudden force applied through the bridle to the standard without deformation. Amended claim 1 recites an anchor device progressively bending under sudden load. Applicants submit that Bear does not anticipate amended claim 1. Accordingly Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of claim 1.

Further, it is respectfully submitted that since amended claim 1 has been shown to be allowable, claims 2, 8-9 and 14 dependent on claim 1 are allowable, at least by their dependency. Accordingly, for all the above reasons, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection of claims 1-2, 8-9 and 14.

### **Claims 3-7**

The Examiner objected to claims 3-7 as being dependent upon a rejected base claim but stated that claims 3-7 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 3-7 depend from allowable claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 3-7.

### Conclusion

Insofar as the Examiner's objections and rejections have been fully addressed, the instant application, including claims 1-10 and 14, is in condition for allowance and Notice of Allowability of claims 1-10 and 14 is therefore earnestly solicited.

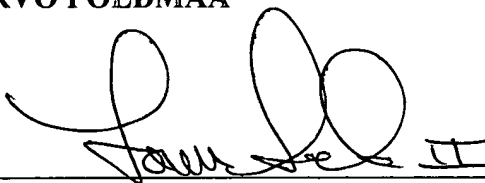
Respectfully submitted,

ARVO POLDMAA

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(Date)

By: \_\_\_\_\_



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## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### In the Specification:

**The paragraph beginning at page 4, line 10 has been amended as follows:**

Referring to figures 1 to 5, the anchoring device 10 comprises a ring 12, a rod 14, a lock nut 16 and a mounting 18. The ring 12 is secured to one end of the rod [16] 14. The ring 12 and rod 14 may be formed integrally or may be separate pieces welded together. The mounting 18 is preferably made of aluminum. Preferably they are both of stainless steel. The rod 14 is tapered at 20 and increases in diameter from about 8mm adjacent the ring 12 to about 13.7mm about 90mm from the ring. The taper may increase to a larger diameter, if desired. Preferably, the angle of the taper remains the same. The rod 14 then has a constant diameter portion 22 to its free end. A portion 22 of the constant diameter section is threaded. The constant diameter portion 22 is preferably about 60mm in length with the threaded portion 24 about 40mm in length. The lock nut 16 has an internal bore 26 threaded so as to receive the threaded portion 24 of the rod 14. The bore 26 may be threaded over only part of its length.

**The paragraph beginning at page 4, line 23 has been amended as follows:**

The mounting 18 comprises a central receiving block 30 and two side wings 32, which are pivotally mounted on the block 30 by pins 34. Each of the wings [34] 32 is provided with a series of holes 36 through which bolts or screws may pass.

### In the Claims:

Claims 1, 4, 7, 10, 12 and 13 have been amended as follows:

1.     **(Amended)**   An anchor device for a safety rope, the anchor device including:
  - a rod or tube;
  - receiving means for receiving an end of a safety rope mounted on or integral with a first portion of the rod or tube; and

securing means for securing the device directly or indirectly to a building element;

wherein the rod or tube includes a tapered portion with the smaller end of the tapered portion nearest to the receiving means, said tapered portion deforming by progressively bending under sudden load applied to said receiving means.

4.     **(Amended)**   The device according to claim 3, wherein the securing means includes a second end portion [at the other end] located opposite the smaller end of the rod or tube.

7.     **(Amended)**   The device of claim 6, wherein the [or each] at least one locking nut includes a non-threaded sleeve, which extends around a portion of the rod or tube.

10.    **(Amended)**   The device of claim 9, further including a mounting means, [when dependent on claim 2] wherein the building element is sandwiched between the mounting means and the at least part of the securing means.

12.    **(Amended)**   The building element of claim 11 wherein the [or each] at least one location is a threaded bore.

13.    **(Amended)**   The building element of claim 12 wherein the [or each] at least one location is a bore sized to allow the securing means to pass therethrough to engage the mounting means and sandwich the building element between the mounting means and at least part of the securing means.